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SENATE BILL 2543 By
Dixon

HOUSE BILL 2575
By Jackson

AN ACT to amend Tennessee Code Annotated, Title 39 and Title
53, Chapter 11, to enact "Intractable Pain Treatment Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Intractable Pain
Treatment Act".

SECTION 2. The purpose of this law, which shall guide its application, is as follows:

(1) It is, and shall always be the policy of the state of Tennessee to preserve life
by preventing suicide and by prohibiting assisted suicide.

(2) Recent advances in medical knowledge improve the capacity of physicians to
control pain in seriously ill patients, thereby enhancing the patients' quality of life and
preserving their will to live.

(3) Patients should have access to quality medical care, including care for the
management of severe pain, and should be able to make informed decisions in
consultation with their physicians regarding the risks and benefits of such care.

SECTION 3. For the purposes of this act, "intractable pain" means a pain state in which
the cause of the pain cannot be removed or otherwise treated and, in the generally accepted
course of medical practice, no relief or cure of the cause of the pain is possible or has been
found after reasonable efforts including, but not limited to, evaluation by the attending physician

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and one (1) or more physicians specializing in the treatment of the area, system, or organ of the body perceived as the source of the pain.

SECTION 4. (a) Notwithstanding any other provision of law to the contrary, a physician may prescribe or administer controlled substances, other than Schedule I substances, to a person in the course of the physician's treatment of that person for a diagnosed condition causing intractable pain.

(b) No physician shall be subject to disciplinary action by the board of medical examiners for prescribing or administering controlled substances in the course of treatment of a person for intractable pain.

(c) No physician shall be subject to criminal prosecution by the state of Tennessee for prescribing or administering controlled substances in the course of treatment of a person for intractable pain.

(d) This section shall not authorize a physician to prescribe or administer controlled substances to those persons being treated by the physician for chemical dependency because of their use of drugs or controlled substances.

(e) This section shall not authorize a physician to prescribe or administer controlled substances to a person the physician knows to be using drugs or substances for nontherapeutic purposes.

(f) This section shall not affect the power of the board of medical examiners to deny, revoke, or suspend the license of any physician who fails to keep accurate records of the purchase and disposal of controlled substances, writes false or fictitious prescriptions for controlled substances, or prescribes, administers, or dispenses in violation of state or federal law.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.